

Ashland Lakefront Project Minutes of October 22, 2002 Meeting in Chicago

Attendees

Jon Peterson, EPA	Cyrus Ingraham, SEH
Craig Melodia, EPA	Gloria Chojnacki, SEH
Brenda Jones, EPA	Mark Broses, SEH
John Robinson, WDNR	David Crass, Xcel Energy Outside Counsel
Jamie Dunn, WDNR	David Donovan, Xcel Energy
Deb Johnson, WDNR	David Trainor, URS
Mark Gordon, WDNR	Jerry Winslow, Xcel Energy

Background

The meeting was held at the request of Xcel Energy. The primary purpose of the meeting was to discuss the responses of the WDNR, EPA Region V, and Xcel Energy to the recommendations of the CSTAG advisory group dated September 3, 2002. EPA Region V was required to formally respond to CSTAG by November 3, 2002.

Prior to meeting, the parties exchanged responses developed by the WDNR and Xcel Energy. In addition to the CSTAG recommendations the agenda included 1) areas of further investigation, 2) data validation, and 3) the need for QAPPs.

Discussion

Xcel Energy opened the meeting by thanking the WDNR and the EPA for the opportunity to meet and by explaining the company's interest in participating and/or actively performing and thereby funding a number of the activities recommended by CSTAG. Jon Peterson, EPA Remedial Project Manager (RPM) reported that the EPA Region V had already finalized its response to CSTAG and that its response was a cover letter forwarding the WDNR's response dated October 16, 2002. Nevertheless, the EPA and WDNR indicated they were interested in hearing what Xcel Energy might propose relative to CSTAG's recommendations.

Xcel Energy proceeded to present its proposals in the order of the recommendations and principles presented by CSTAG. Regarding Principle #1, Xcel Energy proposed to further define the plume. A technical meeting is scheduled for November 4th in Eau Claire to discuss the investigative activities that will be performed subject to the approval of the WDNR.

Xcel Energy also proposed to prepare the feasibility study (FS) for the two upland, operable units defined to be the filled ravine and the Copper Falls aquifer. Jon Peterson questioned whether Kreher Park might also be considered an upland source to the sediments in the bay and whether Xcel Energy would be receptive to preparing the FS on that unit as well. Xcel

Energy responded that it would also be willing to consider doing that work although it has not accepted and will not accept complete liability for all the contamination in the park.

Although Xcel Energy did not make any proposals specific to Principle #2, it emphasized that it continues to work within the community. Furthermore, the company believes the proposed Citizen Advisory Group (CAG) should be organized as soon as possible and should be used as a key forum to involve and to inform all the stakeholders of ongoing and upcoming issues. The company requested an update on when the WDNR intends to initiate the CAG. The WDNR stated that the agency intends to mail invitations to the participants within approximately one month.

SEH reported that within about one month it will complete a memorandum identifying the areas requiring additional work needed to complete the RI/FS. Attendees recognized the importance of circulating this deliverable as soon as possible since Xcel Energy is willing to plan but not implement additional investigative work pending receipt and discussion of SEH's opinion.

The WDNR reported that it is working with and will continue working with the EPA to identify and involve the natural resource trustees as recommended by CSTAG (Principle #3).

In regard to Principle #4, the attendees discussed the need for and the type of model that might be appropriate to assess the stability of the bay sediments. Xcel Energy plans to develop a technical memorandum proposing a Conceptual Site Model (CSM) that integrates the key factors influencing contaminant fate and transport in bay sediments. SEH described the "Earth Vision" three-dimensional model currently under development.

The attendees generally agreed that the 1996 and the 2001 sediment data are compatible, thereby indicating the sediments may be stable. The WDNR will evaluate sediment stability throughout the FS as directed by CSTAG.

In response to the CSTAG recommendations applicable to Principles #5 and #7, Xcel Energy proposed a phased approach which will begin with Xcel Energy developing a focused feasibility study (FFS) addressing the particular areas of the bay where sediment PAH concentrations are greater than risk-based cleanup levels associated with specific Risk Management Objectives (Principle #7). The FFS would be provided to all stakeholders for review and comment, and a workshop would be held to promote discussion and to build a consensus for further action.

The WDNR confirmed that a phased approach and a sensitivity analysis will be evaluated in the up-coming RI/FS.

For Principle #6, Xcel Energy proposes to review the available fish tissue data and provide the document for review to the EPA lab in Duluth. However, since the site is now on the NPL, the Duluth lab cannot contract directly with Xcel Energy to perform consultant services. The WDNR and EPA acknowledged this limitation and offered to facilitate the review on any document deemed appropriate for examination by the Duluth lab.

Principle #8 generated substantial discussion since CSTAG has recommended that more site-specific Remedial Action Objectives (RAOs) be developed for the site. Xcel Energy proposed to develop a “strawman” document dealing with problem formulation when preparing the revised ecological and human health risk assessments contemplated by CSTAG’s recommendations. Brenda Jones stated that she was particularly interested in receiving this deliverable and consulting with URS on how to formulate this problem pursuant to national guidance provided by EPA.

WDNR emphasized that the present RAO of 2-20 ppm total PAH is subject to revision and that separate RAOs will be developed for benthos, fish, and recreational users. The WDNR also stated it is working with the EPA to determine what additional data may be needed to perform these tasks. The WDNR emphasized it will strongly consider the cost versus the benefit in determining what additional information is worth gathering.

The attendees discussed the status of the data validation process. Most of the documentation has been submitted and is currently being reviewed by Battelle.

The requirement to obtain an approved QAPPs before gathering any additional data and the issue of how one or more QAPPs might be efficiently approved were also discussed. Jon Peterson recommended a single QAPP be developed and used by all attendees. However, both the WDNR and Xcel Energy have reservations about using the same QAPP. URS indicated it could submit its proposed QAPP in the near term, but, based upon EPA’s preference for using a single QAPP, the meeting closed without identifying when or if that item would be a deliverable for URS. Xcel Energy and URS will determine subsequent to the meeting whether and when URS will submit its QAPP for review and approval. It was discussed that URS could and should continue collecting quarterly ground water data pending the approval of a QAPP, but Xcel Energy emphasized it will not spend additional money of its customers collecting other data that warrants the existence of an approved QAPP.

Deliverables

The commitments and deliverables resulting from the meeting are as follows:

1. The WDNR and EPA would respond to Xcel Energy’s offer to prepare the FS for the “upland” operable units.
2. The WDNR, EPA, and Xcel Energy would meet in early November to discuss the areas needing further investigation (scheduled for November 4th in Eau Claire).
3. The WDNR would send out invitations to join the CAG within one month.
4. The WDNR in concert with the EPA would further define the role of natural resource trustees and determine whom is a trustee for the site.
5. URS, on behalf of Xcel Energy, will prepare a “strawman” document dealing with problem formulation when amending the ecological risk assessment.
6. URS will also prepare a white paper addressing how sediment goals are related to potential risks to human and ecological receptors.
7. URS will prepare a technical memorandum proposing a CSM that integrates an understanding of the key factors influencing contaminant fate and transport in the sedimentary environment.

8. Within a month SEH will complete its memorandum identifying areas requiring additional work needed to complete the RI/FS.